

EXHIBIT E – Part 3

Edmund Bryan
April 21, 2008

<p style="text-align: right;">Page 61</p> <p>1 E. Bryan 2 against -- Omar Borel Soh Fotso, he called me. 3 I asked him to put an item in the elevator and 4 ship it up to the OR and he went back to 5 Rupert Gillette, the supervisor, and asked 6 him, you know, if he should do that. 7 So then I asked him, you know, we 8 are co-workers, you are shipping stuff in the 9 elevator, I am just asking you to ship this 10 one other item. And he turned around and he 11 yelled at me and said, who asked you to ask me 12 anything, you are a big nothing. 13 Q. Who asked you this? 14 A. Omar Borel Soh Fotso. 15 Q. Is he a manager? 16 A. A co-worker. 17 Q. How else have you been retaliated 18 against? 19 A. In February of 2007. 20 Q. Yes. 21 A. On Friday morning Mr. Gillette 22 approached me and asked me to sign the 23 evaluation of the previous year. I told him 24 no, I had already told you I was not going to 25 sign it, this was February of 2007. I went to</p>	<p style="text-align: right;">Page 63</p> <p>1 E. Bryan 2 garbage. He knew it was mine because it says 3 my name on it in large print and he handed it 4 to me personally and it was in the area where 5 I was assigned to work. 6 Q. And when did this happen? 7 A. That exact frame of time? 8 Q. Didn't you already testify in 9 your hearing of June of 2006 about that 10 incident? 11 A. That's what I'm saying. So that 12 exact frame of time on that one, I'm not quite 13 sure pinpointing that time frame, sir. If it 14 was before or after the hearing, sir. All 15 right. 16 So, in and around October of 2007 17 I was assigned to work Christmas, December 18 25th and he took his pen and crossed my name 19 out and he said, you are not going to work 20 Christmas. I have been on the schedule all 21 year to work Christmas. He said Shaon 22 Truesdale wants to work it and he is going to 23 work, and I reported that to John Meggs also 24 and John Meggs told him he shouldn't have done 25 that and he changed it back.</p>
<p style="text-align: right;">Page 62</p> <p>1 E. Bryan 2 lunch. 3 When I came back from lunch, he 4 called me and he said that it was Friday and 5 the next day would be Saturday and then 6 Sunday. He told me I was working this 7 weekend. So he tells me on Friday that I am 8 working Saturday and Sunday. He said Kevin 9 Waldron, W-A-L-D-R-O-N, had stuff to do and he 10 was not going to work that weekend. So he 11 told me Friday that I was working that 12 weekend. 13 Q. Okay. 14 A. And in May of 2007 he again asked 15 me to sign the 2006 evaluation. Again, I told 16 him that I already discussed this with you 17 and, you know, I refuse to sign, I'm sorry. 18 Q. Okay. 19 A. He took a bottle of Wite-Out and 20 he started whiting out my name off the master 21 schedule and off of charts and stuff like that 22 and I reported it to John Meggs and John Meggs 23 spoke to him about it. 24 There was an incident where he 25 threw my hospital benefits package in the</p>	<p style="text-align: right;">Page 64</p> <p>1 E. Bryan 2 Q. Okay. 3 A. He also went back again and 4 whited me out again, and I reported that again 5 to John Meggs that he was using Wite-Out to 6 white my name out off of the master schedule. 7 Q. Anything else that you can state 8 you were being retaliated against because of 9 your complaint to the city commission? 10 A. This is after June 2006? 11 Q. Yes. 12 A. Using Wite-Out, calling me 13 incompetent, the comments about Jamaicans on 14 mountain tops. 15 Q. I'm asking for anything else, not 16 to repeat anything you've already testified 17 to. 18 A. I mean I have not -- I have not 19 seen him take any action whatsoever in telling 20 other co-workers to respect me, sir. It is as 21 if that if you insult me openly, it is okay, 22 you know. 23 Q. Which co-workers insult you? 24 A. Omar Borel Soh Fotso and Jamal 25 Robinson and -- let's see. Yeah, I mean Kevin</p>

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<p style="text-align: right;">Page 65</p> <p>1 E. Bryan</p> <p>2 Waldron joins in on the comments about the</p> <p>3 Jamaicans when they are talking and making</p> <p>4 jokes and they all sit around and laugh.</p> <p>5 Q. Any other retaliation from filing</p> <p>6 with the city commission?</p> <p>7 A. After June 2006 I would have to</p> <p>8 refer back to notes, sir.</p> <p>9 Q. You have notes?</p> <p>10 A. What I mean is, I would have to</p> <p>11 look at what was sent to you and what -- the</p> <p>12 discovery papers, I would have to look at</p> <p>13 those. But what I'm telling you, what I know</p> <p>14 for a fact.</p> <p>15 Q. Why don't you tell me anything</p> <p>16 else that you remember.</p> <p>17 A. At this moment --</p> <p>18 Q. That's it?</p> <p>19 A. -- that's mostly it.</p> <p>20 Q. All the things you've described</p> <p>21 are similarly described that you testified in</p> <p>22 June of 2006.</p> <p>23 A. Yes, it is repetitive behavior by</p> <p>24 Gillette.</p> <p>25 Q. And you had problems with</p>	<p style="text-align: right;">Page 67</p> <p>1 E. Bryan</p> <p>2 maintained, I believe, an environment of</p> <p>3 disrespect towards me, sir.</p> <p>4 Q. And he has maintained that</p> <p>5 environment before June of 2006 and after June</p> <p>6 2006?</p> <p>7 A. Yes, I believe he has, sir.</p> <p>8 Q. Okay.</p> <p>9 Now in terms of complaints that</p> <p>10 you've made to human resources, to employee</p> <p>11 relations at Memorial Sloan-Kettering since</p> <p>12 June of 2006, what complaints have you made?</p> <p>13 A. I spoke to Sheila Donaghue after</p> <p>14 conferring with my attorney at that time, Mr.</p> <p>15 Landau, and he told me to continue the process</p> <p>16 of reporting. So I went and spoke to Sheila</p> <p>17 Donaghue about the incident regarding men over</p> <p>18 40 who live at home with their mothers are gay</p> <p>19 and I also reported the incident where you</p> <p>20 should dump Jamaicans on top of a mountain and</p> <p>21 give them one shovel and leave them there. I</p> <p>22 reported that to her.</p> <p>23 Q. Okay. Do you know if she</p> <p>24 investigated it?</p> <p>25 A. I saw her in the office speaking</p>
<p style="text-align: right;">Page 66</p> <p>1 E. Bryan</p> <p>2 co-workers, I am not saying you were wrong but</p> <p>3 you had problems with co-workers before June</p> <p>4 2006?</p> <p>5 A. Yes. But you should know, I</p> <p>6 don't confront people, I just report</p> <p>7 incidents.</p> <p>8 Q. I'm not saying you did anything</p> <p>9 wrong, but you had problems with co-workers</p> <p>10 before and after June 2006; isn't that right?</p> <p>11 MR. SCOTT: Objection.</p> <p>12 You can answer.</p> <p>13 THE WITNESS: Answer?</p> <p>14 MR. SCOTT: Yes.</p> <p>15 A. Some are problems, sir, and some</p> <p>16 are just discrepancies of, you know, they are</p> <p>17 just being rude. Some are worthy of being</p> <p>18 reported to you right here.</p> <p>19 Q. Okay.</p> <p>20 A. Some are just incidents of</p> <p>21 rudeness.</p> <p>22 Q. I understand, but it's basically</p> <p>23 been the same prior to June 2006 and after</p> <p>24 June of 2006?</p> <p>25 A. Yes, Rupert Gillette has</p>	<p style="text-align: right;">Page 68</p> <p>1 E. Bryan</p> <p>2 to Rupert Gillette and John Meggs and I said</p> <p>3 hello to her and she said hi to me and I</p> <p>4 believe she was there speaking on my behalf,</p> <p>5 sir.</p> <p>6 Q. Do you know whether anything came</p> <p>7 of your complaints; do you know whether anyone</p> <p>8 in employee relations spoke to Mr. Meggs or</p> <p>9 Mr. Gillette about the incident you talked</p> <p>10 about?</p> <p>11 A. I have not -- I have not received</p> <p>12 any confirmation of any action taken on my</p> <p>13 behalf, sir.</p> <p>14 Q. Whether you received</p> <p>15 confirmation, do you know whether anyone was</p> <p>16 told not to engage in comments like that?</p> <p>17 MR. SCOTT: Objection.</p> <p>18 Q. Do you know?</p> <p>19 A. No, sir, what I do know is --</p> <p>20 Q. I didn't ask you what you do</p> <p>21 know. I just asked you whether or not anyone</p> <p>22 was told not to make comments like that.</p> <p>23 MR. SCOTT: Objection.</p> <p>24 A. There was another in service</p> <p>25 about harassment in the workplace and that was</p>

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<p style="text-align: right;">Page 69</p> <p>1 E. Bryan</p> <p>2 done by Mr. Melvin. I forgot his last name,</p> <p>3 I'm not trying to be rude.</p> <p>4 Q. You mean Peter Sanders?</p> <p>5 A. Melvin, the director of the</p> <p>6 operating room.</p> <p>7 Q. Was there another in service done</p> <p>8 by Peter Sanders?</p> <p>9 A. I don't recall that. I remember</p> <p>10 yours that you showed up and you did and then</p> <p>11 the other one was done by Melvin, an attorney</p> <p>12 who says he is responsible for internal</p> <p>13 affairs within Memorial and the new person who</p> <p>14 represents my department from human resources.</p> <p>15 That is that Sheila Donaghue was not</p> <p>16 representing my department, that she was</p> <p>17 representing my department and they discussed</p> <p>18 sexual harassment and all types of harassment</p> <p>19 in the workplace.</p> <p>20 Q. And do you know whether or not</p> <p>21 Mr. Gillette was instructed to make sure that</p> <p>22 comments like the ones you accused him of</p> <p>23 should no longer take place in the workplace?</p> <p>24 A. I have no knowledge of that, sir.</p> <p>25 Q. Now --</p>	<p style="text-align: right;">Page 71</p> <p>1 E. Bryan</p> <p>2 don't interfere with other people's</p> <p>3 conversations.</p> <p>4 Q. You don't?</p> <p>5 A. He was making jokes with a</p> <p>6 Jamaican accent and he asked me, Edmund, am I</p> <p>7 saying it right? And I responded, don't do</p> <p>8 that to me, if you mock my accent, I'll report</p> <p>9 you. He told Rupert and a half-hour later I</p> <p>10 was in the office that I was being told that</p> <p>11 he was going to document it and send it to</p> <p>12 human resources and he said he was going to</p> <p>13 document that I threatened him. And I said, I</p> <p>14 did not do that and he said, I'm sending it to</p> <p>15 human resources anyway.</p> <p>16 Q. Were you disciplined for that?</p> <p>17 A. Rupert was waiting on the</p> <p>18 response from --</p> <p>19 Q. No. I was just asking --</p> <p>20 MR. SCOTT: Objection. Allow the</p> <p>21 witness to answer the question.</p> <p>22 Q. Please listen to the question.</p> <p>23 Answer the question I asked you.</p> <p>24 Were you disciplined for that?</p> <p>25 A. Mr. Gillette was waiting on an</p>
<p style="text-align: right;">Page 70</p> <p>1 E. Bryan</p> <p>2 MR. SCOTT: Excuse me, now I</p> <p>3 think might be a good time for a break.</p> <p>4 MR. COHEN: Sure.</p> <p>5 (Recess taken.)</p> <p>6 MR. COHEN: Back on the record.</p> <p>7 Q. Does Kevin Waldron also live</p> <p>8 with his mother?</p> <p>9 A. I don't have -- I don't have any</p> <p>10 knowledge of that, sir.</p> <p>11 Q. Okay. Do employees kid Kevin</p> <p>12 Waldron about living with his mother?</p> <p>13 A. I've never heard anyone do that,</p> <p>14 sir.</p> <p>15 Q. Okay.</p> <p>16 A. They discuss movies and stuff,</p> <p>17 things like that.</p> <p>18 Q. Did you ever threaten Frank</p> <p>19 Perez?</p> <p>20 A. No, sir.</p> <p>21 Q. Did you ever have a conversation</p> <p>22 with him about his using a Jamaican accent</p> <p>23 when talking to Lennox, the person you</p> <p>24 identified earlier?</p> <p>25 A. No, not with Lennox with me. I</p>	<p style="text-align: right;">Page 72</p> <p>1 E. Bryan</p> <p>2 answer from human resources to do that, sir.</p> <p>3 Q. Okay. Have you been disciplined</p> <p>4 as of now for it?</p> <p>5 A. For saying --</p> <p>6 Q. Have you been disciplined as of</p> <p>7 this moment for that incident?</p> <p>8 A. If he's written me up, I have not</p> <p>9 seen it, sir.</p> <p>10 Q. Okay.</p> <p>11 Now, in your interrogatory</p> <p>12 responses you indicate that the following</p> <p>13 people are witnesses and I want to ask you</p> <p>14 about them: Michael Harvey. Who is Michael</p> <p>15 Harvey?</p> <p>16 A. He is a co-worker from the night</p> <p>17 shift. He is no longer employed by Memorial</p> <p>18 Sloan-Kettering.</p> <p>19 Q. What would he testify to?</p> <p>20 A. I was present in several</p> <p>21 occasions when Rupert said that all</p> <p>22 Rastafarians, all Jamaican Rastafarians are</p> <p>23 lice heads.</p> <p>24 Q. When did Mr. Harvey stop working</p> <p>25 at Memorial Sloan-Kettering?</p>

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<p style="text-align: right;">Page 93</p> <p>1 E. Bryan</p> <p>2 unapproachable because I am teaching you, I am</p> <p>3 working with you for eight hours showing you</p> <p>4 procedures and, you know, what needs to be</p> <p>5 done and I am extremely respectful to people</p> <p>6 because we work together.</p> <p>7 Q. These are things that happened</p> <p>8 before 2006; isn't that right?</p> <p>9 A. And after, during the EEOC, the</p> <p>10 time of the EEOC, sir.</p> <p>11 Q. How have you been treated</p> <p>12 differently since you filed your EEOC charge?</p> <p>13 As I understand what you are saying, you</p> <p>14 basically have been mistreated for a long</p> <p>15 period of time?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How has it changed since you</p> <p>18 filed with the EEOC?</p> <p>19 A. Mr. Gillette has somewhat down --</p> <p>20 down based his aggression towards me and he</p> <p>21 speaks to me in a more pleasant manner.</p> <p>22 Q. Okay.</p> <p>23 A. And once I had received the right</p> <p>24 to sue letter, his demeanor towards me stopped</p> <p>25 from being -- from aggressive to the way you</p>	<p style="text-align: right;">Page 95</p> <p>1 E. Bryan</p> <p>2 A. Yes, and I am currently seeing</p> <p>3 her, still seeing her.</p> <p>4 Q. Did Mr. Scott refer you to Dr.</p> <p>5 Mayo?</p> <p>6 A. I asked him if he knew of a</p> <p>7 therapist that could help me with my</p> <p>8 depression and he said, yes, he knew one, sir.</p> <p>9 Q. How long have you been depressed?</p> <p>10 A. I've -- I've had my self-esteem,</p> <p>11 you know, pretty much stepped on and, you</p> <p>12 know.</p> <p>13 Q. How long have you been depressed?</p> <p>14 A. For some time, sir.</p> <p>15 Q. How long?</p> <p>16 A. Sir, I can't put a frame of time</p> <p>17 on it.</p> <p>18 Q. Did you testify at your hearing</p> <p>19 in June of 2006 that you were depressed?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And did you testify that you've</p> <p>22 been depressed for a number of years?</p> <p>23 A. I don't remember. I don't</p> <p>24 remember saying exactly that, sir, but I do</p> <p>25 remember saying that my life got displaced to</p>
<p style="text-align: right;">Page 94</p> <p>1 E. Bryan</p> <p>2 are speaking to me now, very pleasantly,</p> <p>3 openly. You are asking me something and I</p> <p>4 respond to him the same way, sir, you know.</p> <p>5 Q. How else have you been retaliated</p> <p>6 against; what else makes you believe you're</p> <p>7 being retaliated against because you filed the</p> <p>8 EEOC charge?</p> <p>9 A. Well, as I said, I applied for a</p> <p>10 position with John Meggs.</p> <p>11 Q. Yes.</p> <p>12 A. And the position was closed</p> <p>13 shortly after I applied for it and for three</p> <p>14 months, he said nothing to me and he saw me</p> <p>15 all the time. So I applied in July and</p> <p>16 then -- July of 2007 and in October, I called</p> <p>17 him like three months later and he said oh, I</p> <p>18 forgot to tell you they closed that position</p> <p>19 down. It doesn't exist.</p> <p>20 Q. Didn't you have similar denials</p> <p>21 of promotion or not being told about</p> <p>22 promotions prior to June of 2006?</p> <p>23 A. Yes. Yes, sir. Yes, sir.</p> <p>24 Q. All right. Did you see a</p> <p>25 therapist, Dr. Julia Mayo?</p>	<p style="text-align: right;">Page 96</p> <p>1 E. Bryan</p> <p>2 some degree where activities that I was</p> <p>3 involved in -- I took piano lessons for ten</p> <p>4 years, I stopped taking them, I stopped going</p> <p>5 to the gym.</p> <p>6 Q. Didn't you testify about all of</p> <p>7 this at your hearing in June of 2006?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Did you call your stepbrother to</p> <p>10 tell him how depressed you were?</p> <p>11 A. No, he is not my stepbrother, he</p> <p>12 is my brother.</p> <p>13 Q. Did you call your brother to tell</p> <p>14 him how depressed you were in June of 2006?</p> <p>15 A. Yes, he had said I had become</p> <p>16 distant and I was crying all the time. I</p> <p>17 don't know if he said this on the stand, but I</p> <p>18 know that, you know, he's witnessed, you know,</p> <p>19 me in a state of unhappiness, sir.</p> <p>20 Q. Did you go to see a Dr. Murphy?</p> <p>21 A. Yes, sir. Dr. Mayo does not have</p> <p>22 the capacity to provide me with prescription</p> <p>23 medication, sir.</p> <p>24 Q. Yes.</p> <p>25 A. So it is necessary to also</p>

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<p style="text-align: right;">Page 97</p> <p>1 E. Bryan</p> <p>2 consult with Dr. Murphy and basically I've</p> <p>3 related, basically, the same information to</p> <p>4 him that I have related to Dr. Mayo and he</p> <p>5 confers with her and they both move forward in</p> <p>6 prescribing what medication I should, you</p> <p>7 know, take, sir.</p> <p>8 Q. Are you on medication?</p> <p>9 A. Yes.</p> <p>10 Q. What medications are you taking?</p> <p>11 A. I am taking Clonazepam, I believe</p> <p>12 it is called.</p> <p>13 Q. And what is that for?</p> <p>14 A. It is an antidepressant. It</p> <p>15 helps me to -- you know, I wasn't sleeping and</p> <p>16 it helps me to relax and sleep, sir.</p> <p>17 Q. Okay.</p> <p>18 A. I take it at home. I don't take</p> <p>19 it when I am at work.</p> <p>20 Q. Any other medications Dr. Murphy</p> <p>21 prescribed for you?</p> <p>22 A. Before that, the first one I was</p> <p>23 prescribed was Loxapine.</p> <p>24 Q. And what happen --</p> <p>25 A. And after that Gabapentin that</p>	<p style="text-align: right;">Page 99</p> <p>1 E. Bryan</p> <p>2 A. I would leave my home and walk</p> <p>3 down the street and there would be -- the New</p> <p>4 York Presbyterian ambulance would, you know,</p> <p>5 roll behind me and, you know, unless I went</p> <p>6 down a street that was going in the opposite</p> <p>7 direction from them, they would follow me.</p> <p>8 And I would go into a store and</p> <p>9 they would park in front of the store and I --</p> <p>10 you know, at times I took -- at that time I</p> <p>11 was looking at their license plates and the</p> <p>12 ambulance numbers and I didn't say anything to</p> <p>13 them, I just went about my business.</p> <p>14 But it happened quite frequently</p> <p>15 that I would leave my home and New York</p> <p>16 Presbyterian ambulance would roll around</p> <p>17 behind me while I would walk around in</p> <p>18 Flushing, Queens and stuff like that.</p> <p>19 Q. And you believe Memorial</p> <p>20 Sloan-Kettering put New York Presbyterian up</p> <p>21 to following you?</p> <p>22 A. I didn't say I believe Memorial</p> <p>23 Sloan-Kettering put anybody up to following</p> <p>24 me, but I have a complaint filed against</p> <p>25 Sloan-Kettering and, you know, I find the</p>
<p style="text-align: right;">Page 98</p> <p>1 E. Bryan</p> <p>2 was prescribed to me, and then I told Dr.</p> <p>3 Murphy that the insomnia had returned because</p> <p>4 I believe the Loxapine was too strong. And</p> <p>5 the Gabapentin, while it did make me feel more</p> <p>6 relaxed, it didn't help me to get sleep and I</p> <p>7 would feel all right, but not sleep.</p> <p>8 And then he -- you know, once I</p> <p>9 was through with the Gabapentin, sir, he moved</p> <p>10 me to the Clonazepam. It does the same thing</p> <p>11 as the Gabapentin does, but it also allows me</p> <p>12 to relax and fall asleep, sir.</p> <p>13 Q. Did you tell Dr. Murphy that you</p> <p>14 believe people who bump you on the street or</p> <p>15 the subway have been sent by Memorial</p> <p>16 Sloan-Kettering?</p> <p>17 A. No, I believe I told him that I</p> <p>18 believe I am being harassed, you know, at</p> <p>19 work. I told him I believe I am being</p> <p>20 harassed at work.</p> <p>21 Q. You didn't tell him that you</p> <p>22 believe that people that bump into you --</p> <p>23 A. I told him about the incident of</p> <p>24 ambulances at my home.</p> <p>25 Q. What incidents were those?</p>	<p style="text-align: right;">Page 100</p> <p>1 E. Bryan</p> <p>2 behavior peculiar.</p> <p>3 Q. So you think it is connected?</p> <p>4 A. I believe there is some type of</p> <p>5 connection, sir. I have no fact to prove</p> <p>6 that.</p> <p>7 Q. Okay.</p> <p>8 A. So it is merely speculation on my</p> <p>9 part that, you know, it's -- you know, I just</p> <p>10 find it peculiar that these ambulances seem to</p> <p>11 show up, you know, at my residence when I am</p> <p>12 leaving and walking down the street, you know.</p> <p>13 Q. Are you aware that Dr. Mayo has</p> <p>14 diagnosed you as being bipolar?</p> <p>15 A. I believe she said so to me, sir.</p> <p>16 MR. COHEN: Can we have this</p> <p>17 marked.</p> <p>18 (Memo to Edmund Bryan dated</p> <p>19 February 20, 2007 and handwritten</p> <p>20 notes of Dr. Michael Murphy</p> <p>21 bearing production Nos. MKSCC</p> <p>22 00721 through MKSCC 00727 marked</p> <p>23 Defendant's Exhibit 8 for</p> <p>24 identification, as of this date.)</p> <p>25 Q. I'm showing you what's been</p>

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<p style="text-align: right;">Page 101</p> <p>1 E. Bryan</p> <p>2 marked as Defendant's Exhibit 8, which are</p> <p>3 notes that were produced to us by your</p> <p>4 psychiatrist, Dr. Murphy.</p> <p>5 If you could look at the second</p> <p>6 page, these are his handwritten notes that he</p> <p>7 took in sessions with you. Do you see he</p> <p>8 writes:</p> <p>9 "Some belief that others who</p> <p>10 bump him on street/subway sent by MSK?"</p> <p>11 Do you see that?</p> <p>12 A. Yes, I see that.</p> <p>13 Q. Where would he get that</p> <p>14 information?</p> <p>15 MR. SCOTT: Objection.</p> <p>16 Q. If you know.</p> <p>17 A. Well, I believe that may have</p> <p>18 come up during some type of discussion. I</p> <p>19 can't really rightly recall all these</p> <p>20 conversations, sir.</p> <p>21 Q. Well, I understand that, but what</p> <p>22 is it that you recall about saying that you</p> <p>23 have some belief that people who bump you on</p> <p>24 the street or in the subway have been sent by</p> <p>25 MSK?</p>	<p style="text-align: right;">Page 103</p> <p>1 E. Bryan</p> <p>2 (Recess taken.)</p> <p>3 MR. COHEN: I just have one or</p> <p>4 two more questions,</p> <p>5 THE WITNESS: Not a problem, not</p> <p>6 a problem, Mr. Cohen.</p> <p>7 Q. All right, in terms of your</p> <p>8 damages, Mr. Bryan --</p> <p>9 A. Yes, sir.</p> <p>10 Q. -- have you gotten a wage</p> <p>11 increase every year since 2006?</p> <p>12 A. Yes, I have, sir.</p> <p>13 Q. Now, I assume in terms of your</p> <p>14 damages, you're claiming that you should get</p> <p>15 the pay for the positions that you should have</p> <p>16 been promoted to; is that correct?</p> <p>17 A. That is something arbitrarily</p> <p>18 that you should discuss with my attorney, sir,</p> <p>19 because, you know, the -- we've discussed the</p> <p>20 promotion and stuff like that, so I mean, you</p> <p>21 know, like if there's anything that comes</p> <p>22 around with that --</p> <p>23 Q. Well, I do have a right to ask</p> <p>24 you what you believe your damages are. So if</p> <p>25 you could tell me, do you believe other than</p>
<p style="text-align: right;">Page 102</p> <p>1 E. Bryan</p> <p>2 A. No, I never said anybody from MSK</p> <p>3 sent anyone to bump me.</p> <p>4 Q. What did you say?</p> <p>5 A. I basically told him that I</p> <p>6 believe that, you know, there is a pattern of</p> <p>7 harassment being directed towards me by MSK.</p> <p>8 Q. Okay, does that include outside</p> <p>9 of work?</p> <p>10 A. I can't speak for what he</p> <p>11 interpreted.</p> <p>12 Q. Well, he wrote "street/subway,"</p> <p>13 that would be outside of work, right?</p> <p>14 MR. SCOTT: Objection.</p> <p>15 A. I can't speak for what he's</p> <p>16 interpreted, sir.</p> <p>17 Q. Well, do you --</p> <p>18 A. I only know what I told him about</p> <p>19 the ambulance and that sort of thing, sir.</p> <p>20 Q. Okay.</p> <p>21 A. I can't speak for what he's</p> <p>22 interpreting.</p> <p>23 Q. Okay.</p> <p>24 MR. COHEN: Let's take a minute.</p> <p>25 Let's go outside.</p>	<p style="text-align: right;">Page 104</p> <p>1 E. Bryan</p> <p>2 not receiving the promotion and receiving</p> <p>3 higher wages, is there any other way you've</p> <p>4 been damaged since 2006?</p> <p>5 A. Do you mean -- yes, the racial</p> <p>6 slurs, being called a nothing and nobody in</p> <p>7 front of the entire night shift. I've gotten</p> <p>8 yelled at by David Rook.</p> <p>9 Q. And how have you been damaged by</p> <p>10 these comments you are talking about?</p> <p>11 A. Well, they've -- they've jaded my</p> <p>12 view of myself, sir. They displaced my life.</p> <p>13 I mean -- I mean, I spent years practicing</p> <p>14 piano, now I am in a state of mind where I</p> <p>15 used to practice six hours a day and now I</p> <p>16 just like --</p> <p>17 Q. Didn't you testify about this in</p> <p>18 2006, weren't these the damages you sustained</p> <p>19 prior to 2006?</p> <p>20 A. Right, sir, but the behavior</p> <p>21 persists.</p> <p>22 Q. It persists?</p> <p>23 A. Yes. And like I said, after I</p> <p>24 got the right to sue letter, Mr. Gillette's</p> <p>25 conduct --</p>

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<p style="text-align: right;">Page 105</p> <p>1 E. Bryan</p> <p>2 Q. Yes.</p> <p>3 A. -- became modified. I don't know</p> <p>4 if someone spoke to him, I don't know if you</p> <p>5 spoke to him. I don't know if Mr. Melvin</p> <p>6 spoke to him, but his behavior came down and</p> <p>7 he started speaking to me more respectfully,</p> <p>8 the same way he would speak to his other -- to</p> <p>9 the people he likes, you understand. He would</p> <p>10 speak to me more respectfully. I detected</p> <p>11 that and I also reciprocated and I've been</p> <p>12 treating him with the utmost respect, sir.</p> <p>13 Q. Okay.</p> <p>14 A. I've been treating him with the</p> <p>15 respect that is deserving of someone of his</p> <p>16 job title.</p> <p>17 Q. And that's since the right to sue</p> <p>18 letter?</p> <p>19 A. He's modified his behavior since</p> <p>20 then.</p> <p>21 Q. And you've modified yours?</p> <p>22 A. I don't see aggression coming</p> <p>23 towards him and my therapist has basically</p> <p>24 told me that, you know, I should not behave in</p> <p>25 certain ways regardless of what is happening</p>	<p style="text-align: right;">Page 107</p> <p>1 E. Bryan</p> <p>2 Gillette. And I said, he's in the office</p> <p>3 telling me I am slow and this man has his head</p> <p>4 down sleeping and no one says anything to me.</p> <p>5 And Kenneth Williams came over to</p> <p>6 me and said, came up to me and say</p> <p>7 something -- should I curse?</p> <p>8 Q. Tell me what he said.</p> <p>9 A. Say something, I'll fuck you up</p> <p>10 and he hit his fist. And I looked and they</p> <p>11 said, just go back to work, leave it alone.</p> <p>12 At the end of the day, I filed a</p> <p>13 police report because I didn't believe John</p> <p>14 Meggs was going to protect me in any way</p> <p>15 because, you know, the environment I was in.</p> <p>16 So I filed a police report to try to get some</p> <p>17 type of help, sir, you know.</p> <p>18 Q. You testified about that in your</p> <p>19 hearing in June of 2006?</p> <p>20 A. Yes, sir.</p> <p>21 Q. So since you've started seeing</p> <p>22 your therapist, you stopped doing things like</p> <p>23 that?</p> <p>24 A. Well, she's just basically told</p> <p>25 me, just do your job, no matter what people</p>
<p style="text-align: right;">Page 106</p> <p>1 E. Bryan</p> <p>2 to me. I should be professional, do my job.</p> <p>3 Q. What has your therapist told you</p> <p>4 about you shouldn't behave in certain ways?</p> <p>5 A. No, she said don't react. If</p> <p>6 someone upsets you, demeans you in a certain</p> <p>7 way, don't react. Don't engage or respond to</p> <p>8 it. Just say I'm sorry, apologize, and leave</p> <p>9 the situation alone and don't encourage</p> <p>10 anything else. Leave it alone. Stop, you</p> <p>11 know.</p> <p>12 Q. Is that different from the way</p> <p>13 you were behaving before you started seeing</p> <p>14 your therapist?</p> <p>15 A. Well, I would -- I would ask</p> <p>16 people like, why are you doing that? And they</p> <p>17 would interpret that, that I would want to</p> <p>18 argue with them but I would say stop, I would</p> <p>19 say stop, sir.</p> <p>20 I got brought into John Meggs'</p> <p>21 office and I was being told I was slow and</p> <p>22 when I came out of the office, I called Henry</p> <p>23 Resto, R-E-S-T-O, and I pointed out Kenneth</p> <p>24 Williams with his head down at his workstation</p> <p>25 and sleeping in plain sight of Rupert</p>	<p style="text-align: right;">Page 108</p> <p>1 E. Bryan</p> <p>2 say to you, just do your job. No matter what</p> <p>3 it is, ra, ra, ra, ra, just leave it alone, do</p> <p>4 your job and go home.</p> <p>5 Q. Do you think that getting along</p> <p>6 with people is something that is important</p> <p>7 being a supervisor?</p> <p>8 A. Yes, sir, I believe so, sir.</p> <p>9 Q. Do you believe following</p> <p>10 instructions and being able to understand the</p> <p>11 chain of commands is something important for a</p> <p>12 supervisor?</p> <p>13 A. Yes, sir, I believe so, sir.</p> <p>14 Q. Do you believe the ability to</p> <p>15 avoid confrontations is important for a</p> <p>16 supervisor?</p> <p>17 A. Yes. I've deflected aggression</p> <p>18 with humor, I've deflected potentially, you</p> <p>19 know, aggressive -- the oncoming of aggressive</p> <p>20 arguments by just apologizing immediately,</p> <p>21 whether it is my fault or not, just don't</p> <p>22 worry about anything, don't worry about</p> <p>23 anything and I just disappear and leave them</p> <p>24 alone.</p> <p>25 Q. And is this as a result of</p>

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<p style="text-align: right;">Page 109</p> <p>1 E. Bryan</p> <p>2 working with your psychiatrist and</p> <p>3 psychologist?</p> <p>4 A. And my attorney, sir.</p> <p>5 Q. And your attorney?</p> <p>6 A. Right, because basically I've</p> <p>7 been advised to continue the process of</p> <p>8 reporting and just do your job.</p> <p>9 Q. What do you mean continue the</p> <p>10 process of reporting?</p> <p>11 A. If someone does something to me</p> <p>12 that I feel is egregious or offensive, like</p> <p>13 for example the Jamaicans on a snow-covered</p> <p>14 mountain, I went to Sheila Donaghue and</p> <p>15 reported that. You know, I would continue the</p> <p>16 process of reporting but in no way, form or</p> <p>17 shape respond or engage in any kind of</p> <p>18 behavior, you know, with anyone that does</p> <p>19 that. Just leave it alone, shut up, you know.</p> <p>20 If you can't go anywhere, just sit there and</p> <p>21 keep your mouth shut.</p> <p>22 Q. The comment about putting</p> <p>23 Jamaicans on the top of a snow-covered</p> <p>24 mountain, was that comment made to you or to</p> <p>25 someone else?</p>	<p style="text-align: right;">Page 111</p> <p>1 E. Bryan</p> <p>2 person that made that comment?</p> <p>3 A. They were making jokes about</p> <p>4 Jamaicans and Kevin O'Connor --</p> <p>5 Q. Kevin O'Connor?</p> <p>6 A. Yes. Kevin O'Connor came up with</p> <p>7 the solution to solve Jamaican problem and</p> <p>8 they were all laughing.</p> <p>9 Q. And you don't know what was in</p> <p>10 Kevin O'Connor's mind?</p> <p>11 A. As I said, I don't make attempts</p> <p>12 to speak to anyone, I just do my work.</p> <p>13 Q. Do you think the joke had</p> <p>14 anything to do with the fact that Jamaicans</p> <p>15 are not generally familiar with snow because</p> <p>16 of the climate in Jamaica?</p> <p>17 A. To solve the Jamaican problem,</p> <p>18 sir.</p> <p>19 Q. Well, he didn't say to solve the</p> <p>20 Jamaican problem, did he?</p> <p>21 A. Yes, sir, he did.</p> <p>22 Q. He did?</p> <p>23 A. Here's what you do with</p> <p>24 Jamaicans.</p> <p>25 Q. Here is what you do with</p>
<p style="text-align: right;">Page 110</p> <p>1 E. Bryan</p> <p>2 A. It was said in my presence.</p> <p>3 Q. I understand it was said in your</p> <p>4 presence, was it said --</p> <p>5 A. I was sitting here and they were</p> <p>6 sitting there and they said it, sir.</p> <p>7 Q. Who was the comment addressed to?</p> <p>8 A. Well, at the time I was the only</p> <p>9 Jamaican in the room, sir, so I assume they</p> <p>10 are referring to me, sir, because I am</p> <p>11 Jamaican, sir.</p> <p>12 Q. You assumed. Was somebody else</p> <p>13 Jamaican, whether he was in your department or</p> <p>14 not in your department?</p> <p>15 A. I don't recall sir.</p> <p>16 Q. So it is possible that it was</p> <p>17 being directed to someone else?</p> <p>18 A. Well, either way it is a</p> <p>19 demeaning comment and I am Jamaican.</p> <p>20 Q. Well, do you know whether or not</p> <p>21 that Jamaican took it that that person was</p> <p>22 just kidding around with him?</p> <p>23 A. I can't speak for his respect for</p> <p>24 his national origin, but I can speak for mine.</p> <p>25 Q. I understand that. Who is the</p>	<p style="text-align: right;">Page 112</p> <p>1 E. Bryan</p> <p>2 Jamaicans is not the same thing and saying to</p> <p>3 solve the Jamaican problem.</p> <p>4 A. It was part of his comment.</p> <p>5 Q. Do you remember his exact words?</p> <p>6 A. Yeah.</p> <p>7 Q. And did he say, this is what you</p> <p>8 do with Jamaicans or did he say to solve the</p> <p>9 Jamaican problems?</p> <p>10 A. This is what you do with</p> <p>11 Jamaicans to solve the Jamaican problem.</p> <p>12 Q. And you don't know whether or not</p> <p>13 he was referring to the fact that Jamaicans</p> <p>14 are not familiar with snow until they come to</p> <p>15 the United States?</p> <p>16 MR. SCOTT: Objection.</p> <p>17 A. Sir, he said it in a demeaning,</p> <p>18 derogatory way, sir. It was not a pleasant</p> <p>19 conversation giving any kind of credence to</p> <p>20 Jamaicans.</p> <p>21 Q. Were you a party to that</p> <p>22 conversation or were you sitting somewhere</p> <p>23 nearby?</p> <p>24 A. I was sitting across the room,</p> <p>25 sir.</p>

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